

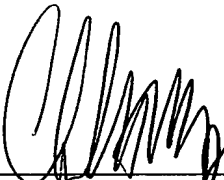
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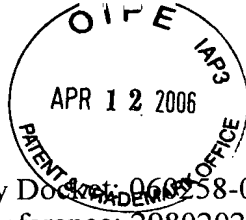
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 060258-0279245	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number <b>09/806,939</b>	Filed <b>May 8, 2001</b>
		First Named Inventor <b>SERGE HAUMONT</b>	
		Art Unit <b>2686</b>	Examiner <b>Peaches, Randy</b>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <b>41844</b></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> _____ Signature <b>Christine H. McCarthy</b> _____ Typed or printed name <b>703.770.7743</b> _____ Telephone number <b>April 12, 2006</b> _____ Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 060358-0279245  
Client Reference: 2980202US/VK/HER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: HAUMONT      Confirmation Number: 9553  
Application No.: 09/806,939                      Group Art Unit: 2686

Filed: May 8, 2001

Examiner: Peaches, Randy

Title: IDENTIFYING A MOBILE STATION IN A PACKET RADIO NETWORK

ATTACHMENT SHEET FOR PRE-APPEAL BRIEF CONFERENCE REQUEST

BOX AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant hereby requests that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Appellant asserts that the outstanding rejections (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art references fail to disclose, teach or suggest all the recited claim features).

**APPEALED REJECTIONS**

Appellant is appealing the rejection of claims 20, 22, 25-26 and 28 under 35 U.S.C. 102(e) as being anticipated by Tiedemann et al. (U. S. 6,381,454; hereafter "Tiedemann"), the rejection of claims 3 and 7 under 35 U.S.C. 103(a) as being obvious from Tiedemann, Sawyer et al. (U.S. 5,920,814; hereafter "Sawyer"), Onoe et al. (U.S. 5,361,396; hereafter "Onoe") and Monrad et al. (U.S. 6,208,628; hereafter "Monrad"), the rejection of claim 21 under 35 U.S.C. 103(a) as being obvious from Tiedemann and Huttunen et al. (U.S. 6,356,761; hereafter "Huttunen"), the rejection of claim 27 under 35 U.S.C. 103(a) as being obvious from Tiedemann and Mademann (U.S. 6,081,723), and the rejection of claims 29-31 under 35 U.S.C. 103(a) as being obvious from Wallentin et al. (U.S. Pub. 2002/0086685; hereafter "Wallentin") and Tiedemann.

### **ARGUMENTS FOR TRAVERSAL**

Appellant traverses the prior art rejections because the cited prior art fails to disclose, teach or suggest all the features recited in the rejected claims. To establish anticipation or obviousness, the prior art must teach or suggest all the features recited in the rejected claims. However, the cited prior art fails to disclose, teach or suggest any mobile station temporary identity including at least part of an identifier indicating a network element which allocated the temporary identity, as recited in independent claims 7, 20, 25, 26, 28 and 31 and their respective dependent claims.

The most recent Office Action has asserted that the broadest reasonable interpretation of the claim language would cover, and thereby be anticipated by, the identifier TRN disclosed by Tiedemann. However, Tiedemann, analyzed individually or in combination, fails to teach or suggest the claimed invention which utilizes a temporary identity that includes at least part of an identifier indicating the network element.

Preliminarily, it must be noted, for the record, that the Office Action has incorrectly referred to the claim language, e.g., claim 20 actually recites at least one network element configured to allocate a temporary identity to at least one mobile station, wherein the temporary identity includes at least a part of an identifier indicating the network element that allocates the temporary identity. Similarly, claim 7 recites using a network element having an identifier of its own to allocate a temporary identity to the at least one mobile station, wherein the temporary identity includes at least part of an identifier indicating the network element.

Nevertheless, the Office Action misquoted the claim language and stated: “[a]ccording to Tiedemann in column 2 lines 29-46, it is clearly stated that the TRN is allocated identifying the said MSC and the MS of which it is being allocated.” However, the claimed subject matter requires that the temporary identity include at least part of an identifier indicating the network element. Thus, a difference between the claimed invention and the disclosure of Tiedemann is the fact that the claimed temporary identity includes at least a part of an identifier indicating the network element that allocates the temporary identity.

According to Tiedemann, (see col. 2, lines 29-46), the TRN identifies the MSC that allocated the TRN and the MS to which the TRN is being allocated. Thus, that TRN is a unique number associated with a particular MS (see, column 2 lines 30-32). Accordingly, Tiedemann teaches using the TRN in a duality methodology wherein the TRN identifies the MS and the associated MSC.

Specifically, Tiedemann teaches that the TRN is allocated identifying the MSC and the MS of which it is being allocated to (column 2 lines 30-32). Note the difference between “includes the identifier of” in the rejected claims and “identifies” as taught by Tiedemann. Although, Tiedemann teaches that the TRN can be “any number” (col. 2 line 34), Tiedemann also teaches that the TRN is a unique number. As a result, one of ordinary skill in the art would have recognized that the TRN need not necessarily include at least part of an identifier indicating the network element used to allocate a temporary identity to a mobile station.

As a further example, the TRN can also be an MS identification (MSID). Because a cellular network comprises a large number of network elements allocating temporary identities, it is impossible that each MSID includes at least part of an identifier indicating each network element used to allocate a temporary identity to mobile stations.

Accordingly, the only way that Tiedemann’s “any number” (col. 2 line 34) or MS identification could have “identified” the MSC would have been via some look-up table, which is a more awkward implementation than the claimed invention in which the temporary identity includes at least a part of an identifier indicating the network element that allocates the temporary identity.

The other cited prior art references fail to remedy the deficiencies of Tiedemann for the reasons previously asserted in the previously submitted response. Accordingly, all pending claims are patentable over the cited prior art references.

In view of the foregoing, all pending claims are believed to be in form for allowance, and a notice indicating such is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

### **CONCLUSION**

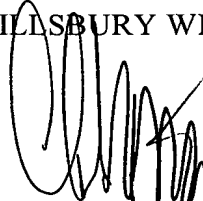
Therefore, it is respectfully requested that the panel return a decision concurring with Appellant’s position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the combined teachings of the cited prior art fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, a prima facie case of obviousness has not been met for either prior art rejection. Thus, all pending claims are patentable.

HAUMONT -- 09/806,939  
Client/Matter: 060258-0279245

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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